

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

WAYDE LYNN KURT,

Defendant.

**Case No. CR-10-0114-WFN-1**

**CRIMINAL MINUTES**

**DATE: OCTOBER 18, 2011**

**LOCATION: SPOKANE**

**JURY TRIAL-DAY 2**

<b>Hon. Wm. Fremming Nielsen</b>			
Joanna L. Knutson <b>Courtroom Deputy</b>	Brian T. Quirk <b>Law Clerk</b>	N/A <b>Interpreter</b>	Debra Kinney Clark <b>Court Reporter</b>
Earl A. Hicks and Stephanie A. Van Marter <b>Plaintiff's Counsel</b>	Richard D. Wall <b>Defense Counsel</b>		

**Open Court**

**Chambers**

**Telecon**

Defendant present in custody of United States Marshal with retained counsel. Court convenes, on the record, in open court with counsel, Defendant and jury present.

Direct resumed by Mr. Hicks of **David Johnathon Udseth** (Government Exhibits 7, 8, 23, 24, 9, 10, 1a, 1b ADMITTED, 1a played, and all discussed with witness).

**Recess: 9:58 a.m. to 10:14 a.m.**

Direct resumed of **David Johnathon Udseth** (Government Exhibits 1a played and 2a played, 2b, 5b, 19, 20, 16, 17 and 18 all ADMITTED and discussed with witness, Government Exhibit 2 also ADMITTED).

**Recess: 11:50 a.m. to 1:01 p.m.**

Direct resumed of **David Johnathon Udseth** (Government Exhibits 3a played, 3, 3b, 4, 4a, and 21 all ADMITTED and discussed with witness).

**Recess: 2:58 p.m. to 3:16 p.m.**

Direct resumed of **David Johnathon Udseth** (Government Exhibits 3a and 6a played, 6a and 6b both ADMITTED and discussed with witness; Government Exhibit 6 also ADMITTED); cross.

Court admonished and excused the jury at 4:22 p.m. until 8:30 a.m. tomorrow.

Court confirmed with counsel that they had received a copy of the Court's proposed final set of Jury Instructions and advised he will meet with them at 8:00 tomorrow morning to conduct the informal conference regarding the final set.

Court heard argument from defense counsel regarding his inquiry on the redacted portions of the body wire recordings; argument in opposition presented by Mr. Hicks. Court rules Mr. Wall may inquire of the witness and that the Court will advise the jury that counsel agreed on the redaction but that Mr. Wall will be inquiring about some of the redacted information. Counsel respond.

<b>CONVENED:</b> 8:34 A.M.	<b>ADJOURNED:</b> 4:32 P.M.	<b>TIME:</b> 6:13 HR.	<b>CALENDARED</b> <input checked="" type="checkbox"/>
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